

United States Office of Policy, Economics  
Environmental and Innovation  
Protection  
Agency

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[http://www.epa.gov/policy2003/  
policy2003.htm](http://www.epa.gov/policy2003/policy2003.htm)

# Public Involvement Policy

of the

## U.S. Environmental Protection Agency

May 2003



### Disclaimer

The statutory provisions described in this Public Involvement Policy contain legally binding requirements. As indicated by the use of non-mandatory language such as "may," "should," and "can," this Policy describes recommended procedures and approaches for conducting public involvement. It is a policy, not a rule, and is not legally enforceable.

A DISCLAIMER IS TO REFUSE TO RECOGNIZE OR ACKNOWLEDGE A STATEMENT OF SOMETHING AS A FACT.

THIS DOCUMENT IN ITS 21 PAGE ENTIRETY USES THE NON-MANDATORY WORDS— SHOULD, CAN, MAY, 222 TIMES IN ITS EFFORT TO DEFINE THE EPA PROTOCOL FOR THEIR "PUBLIC INVOLVEMENT POLICY" AS OF MAY-2003



DEC-06/2000

- b) Over the last few weeks, Paul Kudarauskas of the Volpe Center has developed a list of what the EPA believes is all the damaged or stolen property. The Volpe Center has started processing this information for payment. If there are any items that are missing from the list, please contact me and we will resolve the matter. It is the EPA's to fully reimburse you for all items lost or damaged as a result of our actions.

2) As EPA has discussed with you in the past, security of your land and your property will be established prior to a winter shutdown. Either Marcor can cover the cost of a liability insurance policy, or if easier, we can reimburse you for the extra cost of insurance during the shutdown. This policy will cover general liability for any non-government, non-contractor personnel who may enter the property during the shutdown. As was the case during the excavations this summer, the EPA and/or Marcor will provide coverage for their respective employees who enter the property over the winter to perform maintenance or inspection activities. As to security, the property has been fenced, and warning signs posted. The EPA has made arrangements for periodic inspections of the property that will include the fence, gates, and other potential access points.

3) EPA believes protection of these infrastructures has been taken care of by Marcor prior to winter shutdown. EPA, Volpe, and Lerah conducted a walk through inspection the week of November 27, 2000. At this time we believe the property to be in good shape for the winter. If you feel there are any outstanding issues please contact me as soon as possible.

4) Please be assured that the two large gates which you mention in your letter will be saved and protected from damage. Any damage to these gates will be considered for reimbursement. Please assume this letter to be your signed written assurance that EPA will save and protect the two large gates at the entrance of the property.

\* 5) All infrastructures (e.g. irrigation lines, water and electrical lines, pumps etc) that were in place prior to demolition will be replaced. EPA is currently assessing products, cost and contractors, as well as establishing dates to have these items completed prior to completion of restoration next year. Please consider this signed letter your assurance that all infrastructures in place prior to demolition will be replaced prior to final restoration of your property.

\*\* 6) As you mention in your letter, the EPA has agreed to delete the cost of the fence replacement on the property from the final "real property" reimburse. As you requested, a 6' high chain link fence will be installed on the property during final restoration efforts in 2001. The cost of this fence will be subtracted from the final "real property" reimbursement to you.

7) The value for the paved areas destroyed during the cleanup will be included in the estimates of "real property" reimbursements cost. It is EPA's intent to replace some of

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lost areas with gravel roads in conjunction with your wishes in terms of road placements. The value of these gravel roads installed as part of restoration will be subtracted from value of the paved areas lost and the net value will be included as part of the bases as compensation of the base settlement package.

- 8) As you mention in your letter, current site conditions and weather conditions will not warrant the placement of the 123 balled and burlapped trees that are to be shipped to the site. EPA will make arrangements to unload the trees once they arrive in early March or April of 2001. EPA will also make arrangements with you to determine a safe location to house these trees until site conditions permit permanent planting.

Because the equipment that you would normally use to plant the trees was contaminated it was moved to the scrap pile for disposal. Therefore, EPA will make arrangements to plant the trees as part of the overall Site restoration when conditions permit next Spring.

- 10) a) The relocation of the flood plain is currently being evaluated. Once the regrading of the property has been completed, the survey for the flood plain will be completed by December 1<sup>st</sup>. This data will be compiled in format suitable for the County Sanitarium for application for final flood plain designation.
- b) The testing needed in order for you to design and locate the septic system on the North property will be completed once the percolation tests are completed. First, for this to happen, the areas EPA agreed where the septic fields are likely to be located need to be filled to final grade with the Plum Creek (structural) fill. This will not happen until final grading is accomplished in Spring 2001. Once this is accomplished, as requested by the County sanitarian, the percolation test need to be conducted in place, separately at two and three foot depths. EPA will do these test as soon as possible after completion of final grading and submit this data to the County Sanitarian.
- c) For the South property, as you requested EPA intends to use the Nixon soil for subgrade fill, to be covered with an appropriate topsoil to sustain vegetation. For the roads, EPA intend to use the Plum Creek fill as base material to be capped with suitable gravel.
- d) EPA intends to re-grade and vegetate the rip-rap areas to restore these areas. EPA has begun developing a plan for this issue, once the plan is completed EPA will make it available for your review.
- e) Since the start of the removal action EPA has been struggling with the problem that airborne asbestos fibers where Rainy Creek road meets highway 37. It appears from our sampling from the source of the fibers are attributed to dust generated by traffic on Rainy Creek road not from other source such as the rock pit. To date, EPA has been addressing the problem through short term solutions such as dust suppression agents and water. However, EPA realizes that a long-term solution to

AND THEY DID!  
"Will" AND "Must" WERE THE STATEMENTS  
USED IN THE EARLY YEARS OF 2000

*[Signature]*



Parker Property

Rainy Creek Road (Frontage)










Kootenai River

Former Screening Plant

Rainy Creek (Lower Reach) OU3

Legend

## Legend

	Residual Contamination may be Found at < 1 foot		Rip Rap Cap
	Residual Contamination may be Found at 1-2 feet		OU2 Subareas
	Residual Contamination may be Found at 2-3 feet		OU2 Boundary
	Residual Contamination may be Found at 3-4 feet		Parker Property
	Residual Contamination may be Found at > 4 feet		



THIS PROPERTY IS IN OPERATING UNIT #2. THE FORMER SCREENING PLANT. IT HAS RECENTLY BEEN CONSIDERED FOR "INSTITUTIONAL CONTROLS."

AS YOU CAN SEE IT IS COLOR CODED TO IDENTIFY THE DEPTH OF CLEAN-UP (SEE LEGEND).

YOU WILL ALSO NOTICE THAT ALL COLOR CODES ARE IDENTIFIED BY ONE OF YOUR NOW MANDATORY WORDS "MAY."

A POSSIBLE WAY INITIATING THIS INSTITUTIONAL CONTROL IS TO HAVE IT INCLUDED WITH THE PROPERTY DEED AT THE COURT HOUSE. THIS IS NOT "GOOD" ESPECIALLY USING "MAY" TO CONFIRM THAT CONTAMINATED MATERIAL IS PRESENT BELOW THE LEVEL OF REMEDIAL ACTION.